

EXECUTIVE ORDER NO. 02-04

WHEREAS, section 149 of Act 253, Session Laws of Hawaii (SLH) 2000, authorizes the Chief Executive of the State to retain the rights, benefits, and privileges enjoyed by civil servants prior to the passage of Act 253 unless comparable rights, benefits, and privileges are established by executive order; and

WHEREAS, Hawaii Revised Statutes (HRS) section 89C-3 authorizes the respective personnel director of an employer jurisdiction, in the case of the State, the Director of Human Resources Development, to recommend adjustments to the terms and conditions of employment, including adjustments to the compensation and hours, and other benefits for public officers and employees who are excluded from bargaining units under HRS chapter 89; and

WHEREAS, employees exempt from the civil service, whether included or excluded from collective bargaining, are eligible for health benefits, membership in the employees' retirement system, and enjoy similar rights and benefits as civil service employees, except for membership in the civil service; and

WHEREAS, exempt employees are employees of the Employer but currently may be appointed to civil service

positions only through an open competitive recruitment process after an internal recruitment process has been completed; and

WHEREAS, Act 253, SLH 2000, amended HRS section 76-16, to provide that the exemption of a position from civil service shall not in itself result in the exemption from the civil service recruitment procedures based on merit; and

WHEREAS, the merit principle was amended to emphasize the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated conduct and productive performance; and

WHEREAS, HRS section 76-22.5 provides that the Director of Human Resources Development shall continuously seek improvements to streamline the recruitment process so that positions are filled in the most economic, efficient, and expeditious manner; and

WHEREAS, Act 253, SLH 2000, eliminated the requirement for the promulgation of personnel policies through time consuming HRS chapter 91 rule adoption procedures in favor of a flexible personnel program, subject to the issuance of executive policies;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, pursuant to provisions of HRS chapter 89C,

do hereby approve the Director of Human Resources Development's recommendation to reduce the number of recruitment processes to the following three methods: departmental recruitment; competitive jurisdiction-wide recruitment; and open competitive recruitment processes. Exempt and civil service employees and officers in the executive branch, who are excluded from collective bargaining, may submit applications to compete and be considered for positions in the civil service based on the merit principles provided in Attachment A, Recruitment and Selection Policy Guidelines for Public Employment.

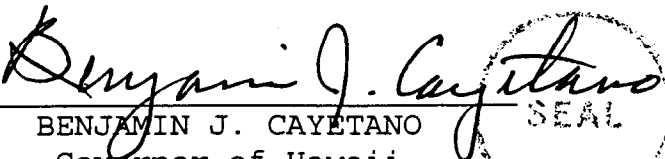
BE IT RESOLVED, that the salary of an excluded exempt employee who is appointed to a civil service position shall be adjusted as provided in Attachment B.

BE IT FURTHER RESOLVED, that an excluded exempt employee who is appointed to a civil service position shall serve an initial probationary period to gain membership into the civil service and shall earn seniority from the effective date of the start of the probationary period.

The Director of Human Resources Development shall be responsible for the uniform interpretation and administration of these policies with respect to State officers and employees in

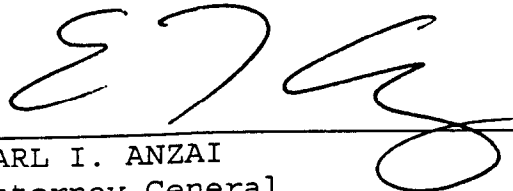
the executive branch who are excluded from collective bargaining.

DONE at the State Capitol,
Honolulu, Hawaii, this 13th
Day of November 2002.


BENJAMIN J. CAYETANO
Governor of Hawaii



APPROVED AS TO FORM:


EARL I. ANZAI
Attorney General